

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Kristopher Justinboyer Ervin, et. al,
Appellant,
v.

No. 23-13062

United States of America
Appellee.

**PETITIONER MATTHEW HOOVER'S UNOPPOSED MOTION
FOR EXTENSION OF TIME**

By the docketing order dated September 27, 2023, this Court established that Petitioner's brief, should no transcripts be ordered, be due November 6, 2023. Because of the complicating factors which will be discussed below, Appellant Hoover, who is presently incarcerated respectfully moves this honorable Court for a 45-day extension of time to file his opening brief. Counsel for Hoover conferred with counsel for the United States Sean Siekkinen, who had no objection to the filing of this motion.

Good cause for the extension exists for the following reasons:

- 1) The appeal poses complicated Constitutional issues, and the incarcerated state of Appellant has made conferring on the appellate strategy difficult. The additional time will allow counsel the ability to properly craft the opening brief to best reflect and protect Appellant's rights.
- 2) Given the related nature of the appeal, Appellant Hoover had anticipated collaborating with co-appellant Ervin, but the record in the district court on October 25, 2023 shows that co-appellant Ervin has experienced significant setbacks, and the record in this Court does not show any appearance for appellant Ervin. An extension of time would better preserve resources for all parties, and this honorable Court, to avoid unnecessary duplication of labor.
- 3) Given the above, counsel for petitioner Hoover fears he cannot adequately prepare his opening brief by November 6, 2023.
- 4) No party would be prejudiced by the granting of the relief requested.

WHEREFORE, appellant Hoover respectfully requests this honorable Court grant a 45-day extension of time to file his opening brief.

Respectfully submitted this 25th day of October, 2023,

/s/ Matthew Larosiere

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/s/ Matthew Larosiere

Attorney for Appellant Matthew Raymond Hoover

Dated: this 25th day of October, 2023